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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 5/6/2008 have been fully considered but they are not persuasive.
2. Applicant argues that Tsai fails to disclose *a reproducing section which reproduces said data of pieces of music*. Tsai is a karaoke system that plays music. When music is played, it is reproduced.
3. Applicant argues that Tsai fails to disclose *a portable terminal that is capable of being carried for reproducing said data of pieces of music by a user*. Tsai is a computer karaoke system. Any computer is located within a housing. Any computer can be moved from room to room, country to country, or even can be slid over an inch while connected to the network cable on the wall. This is routinely done so that a user can access the cables in the back of a wired computer more easily. Therefore, **any** computer is **portable**.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai (U.S. Patent No. 6,572,381).

6. In regard to claims 29-31 (all claims have equivalent subject matter), Tsai disclosed:

a storage section which stores data of pieces of music that a user possesses, and is adapted to store a number of plays of each of said pieces of music, column 8, lines 46-61

a reproducing section which reproduces said data of pieces of music, column 8, lines 46-

61

a transfer section that transfers the data, and column 8, lines 46-61

a portable terminal adapted to reproduce the music while disconnected from the server apparatus, the portable terminal capable of being carried for reproducing said data of pieces of music by a user, comprising column 8, lines 46-61

an interface that receives the data transferred from the transfer section, column 8, lines 50-54

a terminal-side storage section that stores data received through the interface, and column 8, lines 46-61

an updating section that updates a number of plays of each piece of music that is reproduced, each time said reproducing is completed at the portable terminal, and that stores the updated number of plays of each of said pieces of music in the terminal-side storage section; column 22, lines 45-56

wherein, if the portable terminal is connected to the server apparatus through the interface, the updated number of plays of each of said pieces of music stored in the terminal-side storage section are sent to the server apparatus, and the server apparatus updates the number of plays of each of said pieces of music stored in the storage section in accordance with the updated number of plays of each of said pieces of music stored in the terminal-side storage section. Column 22, lines 45-67

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Lee et al. US 6,799,201
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
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